

December 8, 2000

Deputy Secretary William Caton
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

RE: RM 8658, Petition for Rulemaking in the Matter of Section 68.4 (a)
Of the Commission's Rules, Hearing Aid-Compatible Telephones
Filed June 5, 1995

Dear Deputy Secretary Caton:

The members of the Council of Organizational Representatives on National Issues Concerning People who are Deaf or Hard of Hearing (COR)¹ are writing to request that the Federal Communications Commission (FCC) re-open the Petition for Rulemaking in the Matter of Section 68.4 (a) of the Commission's Rules, Hearing Aid-Compatible Telephones, filed June 5, 1995. The petition requested that the exemption for PCS (Personal Communications Systems) devices from the Hearing Aid Compatibility Act of 1988 be revoked.

COR is a coalition of national organizations committed to improving the lives of individuals who are deaf or hard of hearing. Constituencies of COR organizations provide a variety of services, including technological and telecommunications services, educational programs, parent information and referral, support groups and self-help programs, medical, audiological, and speech-language pathology assessment and rehabilitation services, information on assistive devices and technology, and general information on other services for deaf and hard of hearing consumers. Among other things, COR serves as a bridge among interested organizations, the general public, and the community of people with disabilities on matters concerning deaf or hard of hearing individuals.

Hearing aid interference from digital wireless telephones is still an unresolved issue, despite the efforts of the "Hearing Aid Compatibility and Accessibility to Digital Wireless Telecommunications Summit" convened in Washington, January 1996. As a result of the summit, a standard for measuring hearing aid immunity and the interference of digital wireless telephones, as developed by the standards committee, ANSI C63.9, is

¹ The following organizations of COR support this position: Alexander Graham Bell Association for the Deaf and Hard of Hearing, American Academy of Audiology, American Academy of Otolaryngology-Head and Neck Surgery, American Society for Deaf Children, American Speech-Language-Hearing Association, Conference of Educational Administrators of Schools and Programs for the Deaf, Convention of American Instructors for the Deaf, National Association of the Deaf, National Court Reporters Association, Registry of Interpreters of the Deaf, Self Help For Hard of Hearing People, The League for the Hard of Hearing, TDI, and National Center for Accessible Media.

awaiting approval. Despite this, and despite the efforts of some manufacturers toward making some telephones hearing aid compatible, digital wireless telephones are still not accessible to most hearing aid users.

We are concerned that hearing aid and cochlear implant users are being excluded from using new and ever more prevalent digital technology. As this technology continues to develop without the requirement of hearing aid accessibility for digital wireless telephones, the gap between availability to the general population and availability to people with hearing loss will only widen.

As the technology for digital PCS has matured, the features offered are superior to those of analog cellular phones. In addition, PCS providers offer competitive pricing structures that are less than those of comparable analog providers. Analog communication networks are more expensive than digital networks, and are maintained at a minimal level only.

The FCC is aware of these developments since it discusses them in its "Fifth Report" of August 3, 2000. The Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services notes the trend toward abandoning land lines in favor of digital ones as well as the increasing use of digital services. "The combined effect...[the doubling of digital subscribers and the first report of decline in analog subscribers] was that, at the end of 1999, digital subscribers made up 51% of the industry total" (PP13, 14, "Fifth Report," before the FCC, adopted August 3, 2000, and released August 18, 2000).

The Report goes on to note that digital PCS devices are being marketed at a very competitive price to replace traditional wireline services. "For example, ...in early 1999 Chase Telecommunications Holdings Inc....began offering a mobile telephone service in Chattanooga, Tennessee, designed to compete with wireline local telephone service" (Id. At 14). Hearing aid and cochlear implant users are facing a future of inaccessible telephones unless the FCC intervenes quickly.

As digital technology continues to advance and supplant existing analog technology, hearing aid and cochlear implant users will be forced to use an obsolete, less effective communication technology.

Approximately 28 million persons in the United States have hearing loss now, a number that will increase with the "graying" of the population. Communication access, including telecommunication access, is critical for maintaining independence, productivity, and quality of life. Section 508 of the Rehabilitation Act Amendments of 1998 recognizes the importance of access to technology in its requirement that technology purchased by the federal government be accessible to people with disabilities. It is inconsistent for the FCC to comply with this standard and ignore the growing problem of the incompatibility of PCS devices with hearing assistive technology.

Therefore, COR urges that the exemption for PCS devices from the Hearing Aid Compatibility Act of 1988 be revoked.

Sincerely,

Donna L. Sorkin
Co-Chair, COR
Alexander Graham Bell Association
2000 M Street, NW, Suite 310
Washington, DC 20036
(202) 337-5220

Charles C. Diggs, Ph.D.
Co-Chair, COR
American Speech-Language-Hearing
Association
10801 Rockville Pike
Rockville, MD 20852
(301) 897-0151